

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH SCOTT WRIGHT,

Petitioner,

v.

PIERCE COUNTY OF THE STATE OF
WASHINGTON,

Respondent.

CASE NO. 3:22-cv-05621-LK-JRC

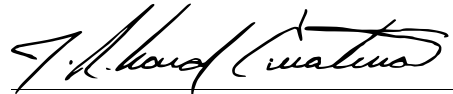
ORDER

This is a federal habeas action filed under 28 U.S.C. § 2254. On September 9, 2022, the Court directed service upon respondent and upon the Attorney General of the State of Washington copies of the habeas petition, all documents in support thereof, the order, and the Notice of Option of Consent. *See* Dkt. 7. In that order the Court directed respondent to file and serve an answer within 45 days after service of the petition. *See id.* The docket indicates that service was executed upon the Attorney General and the Pierce County Prosecuting Attorney's Office on September 15 and 16, 2022, respectively. *See* Dkts. 9, 10. However, to date respondent

1 has not answered the petition. Therefore, the Court directs respondent to answer the petition on
2 or before **December 23, 2022**.

3 Further, the Court notes the following. Petitioner names Pierce County as respondent.
4 Dkt. 6. The proper respondent to a habeas petition is the “person who has custody over [the
5 petitioner].” 28 U.S.C. § 2242; *see also* § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th
6 Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The official having custody of
7 petitioner where he is currently confined – Pierce County Jail – is Pierce County Sheriff Ed
8 Troyer. Accordingly, the Clerk is directed to substitute Pierce County Sheriff Ed Troyer as the
9 respondent in this action. If any party believes that Sheriff Troyer is not the proper respondent,
10 the party shall file a motion to substitute the correct respondent.

11 Dated this 7th day of December, 2022.

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14 J. Richard Creatura
Chief United States Magistrate Judge
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